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Attorneys for Defendant  
LIFE INSURANCE COMPANY OF NORTH AMERICA

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

SUREENA BAINS-TAKHER,	)	Case No. 2:21-cv-00787-TLN-KJN
	)	
Plaintiff,	)	<b>STIPULATION RE STANDARD OF</b>
	)	<b>REVIEW AND ORDER THEREON</b>
vs.	)	
	)	
LIFE INSURANCE COMPANY OF NORTH	)	Judge: Hon. Troy L. Nunley
AMERICA,	)	Ctrm: 2, 15th Floor
	)	
Defendant.	)	Complaint Filed: May 3, 2021
	)	

Plaintiff Sureena Bains-Takher ("Plaintiff") and Defendant Life Insurance Company of North America ("LINA"), by and through their respective counsel, hereby submit the following Stipulation Regarding the Standard of Review.

1. WHEREAS, the parties agree that this case is governed by the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. Section 1132, *et seq.*

2. WHEREAS, one of the issues to be litigated in an ERISA benefits claim is whether the standard of review is abuse of discretion or *de novo*;

3. WHEREAS, the parties have agreed that the applicable standard of review in this case will be *de novo*, in exchange for Plaintiff's agreement to withdraw pending written discovery (Interrogatories, Set One; Requests for Production of Documents, Set One; and Requests for Admission, Set One), and to forego any further discovery in this case.

4. WHEREAS, the parties' agreement as to the standard of review in exchange for no discovery relates solely to this particular case and does not give rise to any waiver or prejudice in any future cases brought against LINA.

Based on the foregoing, IT IS HEREBY STIPULATED, as follows:

The parties agree that this Court shall apply a *de novo* standard of review in this case. In exchange, Plaintiff will not pursue discovery in this case. This Stipulation regarding the appropriate standard of review is specifically limited to the facts and circumstances of this particular case.

**IT IS SO STIPULATED.**

Dated: September 10, 2021

Glenn Kantor  
Corinne Chandler  
Zoya Yarnykh  
KANTOR & KANTOR, LLP

By: /s/ Zoya Yarnykh  
Zoya Yarnykh  
Attorneys for Plaintiff  
SUREENA BAINS-TAKHER

Dated: September 10, 2021

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Kristin Kyle de Bautista  
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By: /s/ Kristin Kyle de Bautista  
Kristin Kyle de Bautista  
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NORTH AMERICA

**FILER'S ATTESTATION**

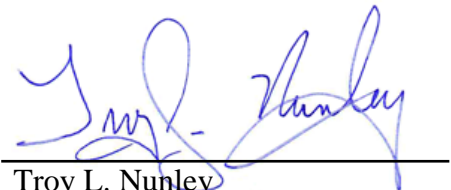
The filing attorney attests that she has obtained concurrence regarding the filing of this document and its content from the signatories to this document.

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**ORDER**

IT IS SO ORDERED:

Dated: September 10, 2021



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Troy L. Nunley  
United States District Judge